

10/534027

GARRIGUES 1020 Rec'd PCT/PTO 06 MAY 2005

AGENCIA DE PROPIEDAD  
INDUSTRIAL E INTELECTUAL

December 13, 2004

European Patent Office  
Att: Mr. J. Janosch  
Erhardstrasse 27  
D-80298 Munich  
Germany

Fax: + 49 89 2399 4465  
Confirmation copy by courier

**Re: International application : PCT/ES03/00006**  
**Applicant: MIVISA ENVASES, S.A.U. et al.**  
**Our ref.: AX030002WO**

In reply to the First Written Opinion dated September 22, 2004 and drawn up by the European Patent Office as International Preliminary Examining Authority:

### I. Novelty

Regarding Item V of the Written Opinion, the applicant considers that claim 1 is novel over the Spanish utility model No. ES0152778U (D1).

The main and principal difference between the product disclosed in D1 and the object of the present application is the existence of a punching vertex on the tab attached to the body of the lid that is not disclosed in D1 as can be seen in figures 1, 2 and 3 of D1. Instead D1 has a rounded perforating portion (page 4, lines 6-8).

The fact of having said punching vortex in the tab requires less strength for the user to open the lid as the introduction of the vortex, a wedged element, into the cut line of the lid is easier than the introduction of a rounded portion as the one disclosed in D1. It is known that an element with an acute angle can be introduced easier and with less strength into a surface than an element with an obtuse angle.

The fact of having this vortex in the tab does not only facilitate the opening of the lid, but because the force practiced over the tab is smaller than the one practiced over a tab as the one disclosed in D1, the risk of breaking the tab or even the rivet is also much smaller.

Further, another difference between both lids, as stated in page 3, lines 26 – 29 of D1, is that the breakage segment where the tab is introduced must be in the zone where the lid has a minimum curvature radius, that is to say, in any of the four vertices in the case that the lid is square or rectangular. D1 makes no reference to other lid configurations as circular or elliptical. In the present application said breakage segment can be placed anywhere in the cut line of the lid.

Yet another difference between both products is that the manufacturing process of a lid as the one disclosed in D1 is much difficult and expensive than the one disclosed in this application. This is due to the fact that the breakage line consists on a great deviation over the cut line, that is parallel and close to the edge of the lid, and it is also due to the fact that its shapes is very different to the general shape of the lid. These construction differences make the manufacturing procedure more expensive.

The last difference between both lids is that the breakage line of D1 has the shape of a curl (in page 4, lines 28 – 29, it is stated that the cut line is folded to form a curl with short curvature radius) as shown in figures 1, 2 and 3, the angle is near 180°, while the breakage line of the present application is a curved segment, preferably of 20°.

## **II. Inventive step**

The present application is inventive over the prior art, and specifically over D1. D1 does not solve the problem stated in the present application and solved by the features of the claimed product.

The present invention is directed to allow the opening of the lid even if the punching vortex of the tab is moved from its theoretical position, in the middle of the curved breakage segment. In view of the present application the possible spin or swing movement of the vortex of the tab will not impede the opening of the lid, as the vortex will still be on the curved breakage segment. The maximum movement of the vortex is limited by the angle of the curved segment.

In D1, that does not disclose a tab with a punching vortex but a rounded perforating portion coincident with the breakage line of the lid, the slightest spin movement of said tab will displace the perforating portion out of its breakage line, making very difficult or impossible the introduction of the perforating portion of the tab into the breakage line. The movement of the tab would also increase the risk of breaking the same.

**III. Amendments in the description**

D1 has been included in the description in new page 2 lines 12 to 18.

**IV. Amendments in the claims**

There have been no amendments in the claims.

We hereby request the Examiner to take into consideration the above amendments and carry out a full examination of the application.

Respectfully submitted,



Monica Arizti Acha

Encl.: - Amended description which includes disclosure of prior art.

- Acknowledgment of receipt

Einsender / Sender / Expéditeur:

GARRIGUES Agencia de  
Propiedad Industrial e Intelectual  
c/o Borja de Carlos  
José Abascal, 45  
ES-28003 MADRID  
(Spain - España)

D-80298 München  
    ~~(+49-89) 2399-0~~  
    Tx 523 656 epmu d  
    Fax (+49-89) 23 99-44 65

P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
    ~~(+31-70) 340-2040~~  
    Tx 31 651 epo nl  
    Fax (+31-70) 340-3016

D-10958 Berlin  
    ~~(+49-30) 25901-0~~  
    Fax (+49-30) 25901-840

**Bestätigung über den  
Eingang nachgereichter  
Unterlagen für Patentan-  
meldungen/Patente beim  
Europäischen Patentamt**

**Acknowledgement of  
receipt for subsequently  
filed items relating to  
patent applications/patents  
at the European Patent  
Office**

**Accusé de réception à  
l'Office européen des bre-  
vets de pièces produites  
postérieurement au dépôt  
d'une demande de brevet/  
à la délivrance d'un brevet  
européen**

Datum und Ort des Eingangs sind aus  
der Perforation dieser Eingangsbestäti-  
gung ersichtlich

(M + Datum = Einreichungsort München;  
H + Datum = Einreichungsort Den Haag;  
Datum + B = Einreichungsort Berlin)

Date and place of receipt are shown by  
the perforation appearing on this receipt

(M + date = Munich as place of receipt;  
H + date = The Hague as place of receipt;  
date + B = Berlin as place of receipt)

La date et le lieu de réception sont indi-  
qués par la perforation du présent accusé  
de réception

(M + date = pièces reçues à Munich;  
H + date = pièces reçues à La Haye;  
date + B = pièces reçues à Berlin)

**Eingereichte Unterlagen**

**Items filed**

**Pièces envoyées**

Anmeldungs- (und Direktions-*) Nr./Patent Nr. Application (and Directorate*) No./Patent No. N° de la demande (et de la direction*)/n° du brevet		Ihr Zeichen Your reference Votre référence	ggfs. Art und Datum der Unterlagen** Nature and date of items (optional)** Nature et date des pièces (facultatif)**
1	PCT/ES03/00006	AX030002WO	Reply Written Opinion
2			
3			
4			
5			
6			
7			
8			
9			
10			

\* falls bereits bekannt

\* if already known

\* si déjà connu

\*\* Der Eingang der angegebenen Unterlagen  
wird bestätigt.  
Enthält diese Spalte keine Eintragungen, so  
wird lediglich bestätigt, daß eine Sendung  
zu dem angegebenen Aktenzeichen einge-  
gangen ist.

\*\* The receipt of the items indicated is  
confirmed.  
If this column does not contain any entries,  
it is only confirmed that an item has been  
received for the indicated file.

\*\* La réception des pièces indiquées est  
confirmée.  
Faute de mention dans cette colonne, le  
présent accusé de réception se rapporte à  
une pièce quelconque envoyée sous la  
référence indiquée.

EASY-OPEN LID

OBJECT OF THE INVENTION

The present invention, an easy-open lid, applies to the field of metal containers, specifically of those containers used for food commercialization, such as tins, cans, etc., and specifically focuses on the opening means of the lid thereof, commonly called "easy-open".

The invention is specifically related to the classic groove or cut which are provided on lids of this type of containers, for facilitating the opening thereof by means of a punch-tear away ring tab.

BACKGROUND OF THE INVENTION

In the preferred scope of practical application of the invention, sealed food packaging, metal containers are conventionally used, the lid of which is provided with a perimetral groove or cut line, as well as a ring tab provided with a punch vertex overlapping said cut line, such that in normal conditions, the ring tab is parallel and adjacent to the lid, whereas during the opening maneuver, it swings thereon such that initially, and through its punch vertex, it causes the start of the tearing of the lid, and then it causes the complete tearing away thereof by pulling on said ring tab.

This solution, perfectly valid from the theoretical point of view, presents drawbacks in practice derived from an incorrect positioning of the ring tab. In this aspect, it happens quite frequently that, during the ring tab manufacturing process, or in the subsequent sealing, filling, sterilization, handling processes, etc., of the container, said ring tab undergoes a slight rotation, causing a modification of the theoretical position provided for its punch vertex with regard to the cut of the lid, since the ring tab rotates about the point where it is attached to the lid, noticeably eccentric with regard to the latter, whereas the cut line defines a path parallel and close to the contour of said lid, therefore more or less spacing occurs between the

5 punch vertex of the ring tab and the cut of the lid, causing a significant increase of the force necessary to begin the opening operation, i.e. for causing the punching or breaking of the cut line, after which the lid is subsequently torn away.

10 This increase of force contributes to significantly increasing the number of lids in which the ring tab cannot overcome the cut and does not open the lid, even occasionally causing the ring tab to break since the hole which connects the ring tab to the lid by means of a rivet, becomes deformed, with the subsequent release of the ring tab and inability to 15 use the container opening mechanism.)

15 Spanish utility model number ES0152778U discloses a conventional lid, without a punch vortex, for cans that have a curled cut line to facilitate the aperture of the can. The ring tab included in said lid does not include means nor solutions that would permit the opening of the lid in case the ring tab has a slight rotation.

20 US patent US3,762,596-B discloses a can lid having means on it which prevent the rotation of the ring tab, said means consisting of respective outward projections on both sides of the ring tab. It also has a cut line the path of which in the ring tab operation area is different from that of the rest of 25 said cut line. Specifically, the cut line in that initial breakage area is elliptical in order to space the cut line from the edge of the can and to facilitate the manufacturing process of the can. The devices used for preventing the rotation of the ring tab do not ensure that, during the handling of the can in the different manufacturing processes 30 thereof, it will not slightly rotate, although it does reduce said rotation. Due to the elliptical configuration of the cut line in its initial breakage area, a minimum rotation of the ring tab will prevent the punch vertex thereof from acting on said initial breakage area, therefore originating the 35 aforementioned drawbacks in opening the can.

## DESCRIPTION OF THE INVENTION

The improvements proposed by the invention satisfactorily solve the drawback explained above, ensuring a proper operation of the punch ring tab, even when said ring tab is significantly rotated with regard to its theoretical correct position.

Therefore more specifically, the invention entails changing the path of the cut line, specifically in the segment thereof facing the punch ring tab, such that by said cut line maintaining a general path parallel and close to the contour of the lid, in said area facing the ring tab it undergoes two symmetrical inflections with regard to the theoretical punch point, which frame an intermediate segment in which the path of the cut is arcuate, specifically with a curvature center arranged in correspondence with the rivet of the ring tab, such that after a rotation of the ring tab, its punch vertex remains in place on said cut.

The amplitude of said arcuate segment with a curvature in the rivet of the ring tab will vary according to different constructive criteria, this amplitude necessarily being greater than  $1^\circ$ , although it is convenient for said arcuate segment to not exceed  $80^\circ$ .

Said arcuate segment will be join the rest of the cut through also rounded inflections which "smooth" the path of said cut and which, accordingly, favor tearing away the lid.

Evidently the improvements of the invention are applicable both to circular and elliptical or rectangular lids, which are the three conventional configurations in this type of metal containers.

In any case and according to the described structure, it is achieved that, even due to a significant rotation of the ring tab, which can reach  $10^\circ$  to the right or left, said ring tab keeps its punch vertex on the cut line, causing the proper punching thereof with a minimum force.

**DESCRIPTION OF THE DRAWINGS**

To complement the description that is being made and for the purpose of aiding to better understand the features of the invention according to a preferred practical embodiment thereof, a set of drawings is attached to said description as an integral part thereof which, with an illustrative and non-limiting character, show the following:

Figure 1 shows a schematic plan view of an easy-open lid for metal containers provided with the improvements object of the present invention.

Figure 2 shows an enlarged detail view of the lid of the previous figure, in the area thereof in which said improvements are made.

Figure 3 shows, according to a view similar to figure 1, another type of conventional easy-open lid, also provided with the improvements of the invention.

**PREFERRED EMBODIMENT OF THE INVENTION**

In view of the figures, and more specifically of figure 1, it can be seen how the improvements of the invention are applicable to a lid made of a laminar body (1), in this case having a circumferential contour, as this lid is intended for a cylindrical container, provided with a marginal strip (2) through which, by seaming or by any other means, the body (1) is attached to the opening of the container, not shown, and is provided inside said marginal strip with a cut or perimetral groove (3) which is intended for tearing away the lid (1) during the container opening maneuver, opening which is carried out with the collaboration of a ring tab (4) attached to the body (1) of the lid with the collaboration of a rivet (5), and provided with, in opposition to the ring tab (4) itself, a punch vertex (6) which must be located on the cut line (3) on which it acts when the ring tab (4) is manually swinged on the rivet (5) which fixes the ring tab to the body (1) of the lid. The lid (1) can adopt the circular configuration of figure 1, the rectangular configuration with-

rounded vertices of figure 3, or any other configuration conventional in this type of containers, such as an elliptical configuration, also normally being provided with deep-draws (7) which stiffen its structure.

5 Therefore, from this basic and conventional structure, according already to the invention, the cut line (3), in its area where it faces the ring tab (4), undergoes a variation in its path, defining a breakage segment (8) in a circumference arc shape, having a curvature center (9) arranged in correspondence with the center of the rivet (5), as can particularly be seen in figure 2, such that the mid-point of this arcuate breakage segment (8) is located in correspondence with the theoretical point (10) provided for operating the punch vertex (6) of the ring tab (4) when the latter is correctly located in the context of the lid (1).

10 ) As previously mentioned, this results in that, after an accidental rotation of the ring tab (4) at any time throughout the container handling process, its punch vertex (6) is kept perfectly in place facing the cut line (3), specifically along 15 this breakage segment (8), thereby ensuring that the tearing conditions are optimal.

20 ) As was also mentioned above, the amplitude of said 25 breakage segment (8) with a curvature center (9) coinciding with the axis of the rivet (5), can range between 1° and 80°, the amplitude of said arc preferably being 20°, 10° on each side of the theoretical point (10) provided for operating the punch vertex (6) of the ring tab (4) when the latter is correctly located in the context of the lid (1), and said 30 breakage segment (8) will join the rest of the cut line (3) by means of double, offsetting and arcuate inflections (11-11'), which facilitate tearing away the lid (1), preventing the existence of sharp bendings in said cut line (3) which could negatively affect tearing away the lid.